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# **ORGANISED CRIME IN POST-APARTHEID SOUTH AFRICA**

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## **INTRODUCTION**

Organised crime is a little understood phenomenon in newly democratic South Africa. Public attention has been focused on other, more visible areas of criminality, and the South African Police Service (SAPS) has only recently begun to counter the problem. Yet, organised crime has grown dramatically since the transition to democracy began in the country in 1990.

The growth in organised crime has caught South African law enforcement agencies unprepared. The policing agencies of the South African state are struggling to make the conversion from authoritarian control to democratic forms of policing. The SAPS and other state law enforcement institutions do not yet have the resources or technical expertise to cope adequately with organised crime. Given that organised crime was never a priority under apartheid rule indeed, there is evidence that local criminal gangs were used to disrupt the activities of pro-democracy activists it is now difficult to measure the extent of its growth since 1990.

Current (although tentative) estimates indicate that organised crime has doubled under the new government. SAPS strategic estimates suggest that there are currently a number of "*extremely well financed and superbly armed*" crime syndicates operating in and from South Africa.<sup>1</sup> According to SAPS organised crime officers, almost half of these operations are based in and around Johannesburg.

These estimates of organised criminal activity are based on the collation of information from police and other intelligence sources according to police definitions (although these themselves are still contested) of 'syndicated crime'. In South African police parlance, a crime syndicate is defined broadly as "*a well organised and structured group with a clear leadership corps, which is involved in different criminal activities such as drug trafficking, vehicle theft or money laundering. Such syndicates have well established contacts with national and international criminal organisations, cartels or mafia groupings.*"<sup>2</sup>

While varying in form and structure, South African organised crime syndicates share a number of common characteristics:

- a hierarchy of control, with clearly designated systems of promotion and payment;
- sophisticated procedures, often *via* legitimate business interests, to launder money obtained by means of illegal activities; and
- the use of weapons to ensure that 'business' routes are protected and potential competitors eliminated.

However, senior police officers concede that there is still much to learn about the development of organised crime in South Africa.

The lack of understanding of the growth of organised crime in South Africa has been the result of a general failure to properly analyse the phenomenon. There is little, if any, substantial work on the development of organised crime in the country and the growth, size

and shape of criminal groups are poorly understood. Organised criminal operations have benefited: lack of analysis has meant that attempts to police the problem have often been poorly co-ordinated and the attention of policy-makers, until recently, has been diverted to other seemingly more urgent police transformation issues. This paper constitutes the first comprehensive attempt to record the growth of organised crime in the country and assess the capacity of the state to counter it.

## **ORGANISED CRIME IN TRANSITION**

Comparative evidence suggests that organised crime grows most rapidly in periods of political transition and violence, when state resources are concentrated in certain areas only and gaps emerge in which organised criminal groups may operate. The most notable example is the former Soviet Union: the collapse of communist rule allowed the emergence of literally thousands of criminal organisations involving current and former members of the establishment.<sup>3</sup>

But the formation of new states, the breakdown of old ones and the establishment of competing centres of power are hardly new phenomena. The growth of the earliest recorded forms of organised crime in Sicily, more than a century ago, was the result of a weak government, and strong ethnic and family linkages. Even when stronger forms of governance were exerted from the Italian mainland in the 19th century, and again in the 1980s, organised crime proved to be remarkably adaptive, altering its operations and forging new linkages to ensure continued profits.<sup>4</sup>

In South Africa, these and other forces have been at play. Before the collapse of apartheid, South Africa was not considered to have had an organised crime problem. This was only partly true: in the Western Cape increasingly organised gangs had forged links with foreign criminal organisations in East Asia in order to obtain narcotics, particularly qualoids or (in South African terminology) mandrax. Local gangs were often used to target anti-apartheid activists in exchange for police turning a blind eye to their activities.<sup>5</sup> Towards the late 1980s, tightly organised and ethnically based organised crime emerged in the form of the 'Boere Mafia' (literally farmers mafia). Involved in a range of criminal activities, these groups were soon infiltrated and broken by the police. Significantly, however, the Boere Mafia appeared to recruit former members of the security forces and had right wing political connections.<sup>6</sup>

Generally, however, organised criminal activity (notwithstanding the criminal activities of the state itself) were poorly developed, given that the country was largely cut off from the rest of the world and engaged in a near civil war. While criminal organisations were used by both sides to smuggle weapons or disrupt opponents, political considerations were always predominant. Although there is little available evidence to substantiate it, there must have been a significant growth in local organised crime syndicates in the final days of apartheid rule and the first year of the new democracy. At the time, the security forces were largely occupied with political issues and despite the conversion of the (political) Security Branch into the Criminal Intelligence Service, the shift in emphasis was slow.<sup>7</sup>

The advent of democracy in the country heralded an increase in organised criminal activity. Senior SAPS officers point out that, when apartheid ended, border controls were weakened, thus creating new potential areas of operation for organised crime. This also occurred at a time when transnational criminal operations were expanding; just like 'legitimate' multinational businesses, East Asian, Nigerian and East European groups bought into local South African criminal operations and expanded them, or contracted subsidiary organisations to conduct their work for them. Stricter controls at points of entry into North America and most European states, Southern Africa's favourable position on the drug trafficking routes between the Far and Middle East, the Americas and Europe, and its accessibility *via* land, sea and air made it a lucrative area for illegal business.

Given these factors, a recent report by the World Economic Forum cited South Africa as having an organised crime problem second only to Columbia and Russia.<sup>8</sup> In truth, the report provides an inaccurate reflection of the actual extent of the problem in the country. Primarily, the growth of organised crime has been much more fragmented and (although there are notable exceptions) does not involve former members of the security establishment to the

same degree as in the former Soviet Union.<sup>9</sup> Like Russia, however, the growth of organised crime has been a feature of the political transition to a democratic order. The opening up of borders, the weakening (or inappropriateness) of the policing institutions of the state and the volatile regional context have all contributed to the growth of organised crime.

In sum, four factors (which are discussed below) should be taken into account when measuring the extent to which organised crime has developed in South Africa since the transition to democracy:

- the degree to which various organised crime groups have consolidated either through merger or structured co-operation;
- the role that former members of the apartheid security forces play in relation to organised crime;
- the degree to which organised criminal groups have been successful in penetrating the state and corrupting officials; and
- the degree to which foreign organised crime groups operate within the country and have forged links with local crime syndicates.

South African organised crime remains relatively fragmented and, on current evidence, the extent of organised crime in South Africa remains difficult to gauge accurately. According to the SAPS, 192 organised crime syndicates with a combined figure of 1 903 primary suspects are currently known to be operating in South Africa and are under police surveillance. The majority of these syndicates specialise either in drug trafficking (96 syndicates), vehicle-related crimes (83 syndicates), commercial crime (60 syndicates) or in any combination of these crimes. At least 32 of the 192 known organised crime syndicates in South Africa operate internationally, while the criminal activities of 150 of these syndicates are at present restricted to countries in sub-Saharan Africa<sup>10</sup> (see Appendix A, page 10).

The estimated number of crime syndicates is not in itself important. The development of organised crime, for example, could be much more advanced if there were only two, but extremely well developed criminal operations. Thus, the relative fragmentation of organised crime in South Africa suggests that there is a 'window period' in which appropriate policing interventions can make a substantial difference. Organised crime, despite (or perhaps because of) its rapid growth, remains comparatively 'disorganised' and is vulnerable to well targeted policing interventions. Given the connections between criminal syndicates and street level gangs, law enforcement interventions need to concentrate equally on both.

According to SAPS definitions, syndicates are seen as more sophisticated organisations operating on a wider level than gangs, which are considered to be criminal organisations of a lower order of influence and sophistication. Gangs may often be employed by syndicates to do the dirty work at street level, with the latter often acting to co-ordinate the activities of different gangs. The Western Cape in particular has had a problem with gang-related activities. While anti-crime vigilante action has now become a feature of the politics of the Western Cape, this has served largely to consolidate local gangs<sup>11</sup> (who just months ago were engaged in vicious turf battles) into a larger umbrella structure, known as 'The Firm', in an attempt to ensure a unified front against vigilante activity.<sup>12</sup>

Two factors make the policing of the gangs in the Western Cape potentially problematic. Firstly, before 1990, the then South African Police actively used criminal gangs to disrupt activities aimed at undermining the apartheid state. While these connections have been undercut over time, there is some potential for these old linkages to be re-established, should organised crime continue to gain power, resources and influence.

Secondly, gangs operate in many of the most destitute areas of the Western Cape and often provide the only means of livelihood for whole communities. Policing organised crime in the South African context cannot be separated from high levels of poverty in certain areas and the ease at which 'foot soldiers' can be recruited for comparatively high levels of reward.<sup>13</sup>

Apart from the 194 syndicates identified above, the SAPS has targeted a range of criminal organisations for observation and information. Such 'target groups' are potential criminal organisations, to be classified as such once information on their structure and activities is complete. Approximately 500 target groups with a combined figure of 1 184 primary suspects

have been identified for attention in this way.

Most of these organised crime operations concentrate on Southern Africa, dealing in a wide variety of commodities and engaging in a number of illegal activities. These include a lucrative trade in drugs, gold and diamond smuggling, vehicle theft, commercial crime, and arms smuggling. Significantly, the activities of organised crime syndicates are often interlinked. For example, in Southern Africa, vehicle theft and robbery are linked to the illegal arms trade in Mozambique, while drug trafficking is connected with motor vehicle theft and to money laundering in Zambia.

At least sixteen of these 500 organised crime groups operate internationally, with the criminal activities of 403 of these target organisations at present restricted to countries in sub-Saharan Africa. In the case of the known syndicates, the Tactical Research Unit of the SAPS's Crime Information Management Centre has determined that the majority of the target groups specialise in drug trafficking (194 target groups), vehicle-related crimes (106 target groups), commercial crime (97 target groups) or any combination of these crimes<sup>14</sup> (see Appendix B, page 10).

South Africa has emerged as a major transshipment point for narcotics trafficking after the transition to democracy ended the country's international isolation. Contributing factors include its geographic position on major trafficking routes between the Far and the Middle East, the Americas and Europe, the rapid expansion of international air links, a well developed transportation infrastructure, and modern international telecommunication and banking systems. Long, porous borders and weak border control, including undermanned ports and numerous secondary airports, give traffickers nearly unlimited access to South Africa.

Drug trafficking, in particular, provides the resources on which other forms of illegal activity can be built. Mozambique has emerged as a major transit point for heroin, hashish and mandrax being smuggled into the Southern African region, as well as for drugs destined for the northern hemisphere. Given the end of the civil war there and South African supply of weapons to one of the protagonists Mozambique has become the region's main source of illegal firearms.<sup>15</sup> There is a ready market for these weapons among other crime syndicates and criminal gangs operating in South Africa and elsewhere in Southern Africa.

The need to move illicit goods has meant that the largely unregulated transport sector in the country has served as the breeding ground for organised crime. A dramatic expansion in the number of mini-bus taxis plying their trade within the larger cities and on long distance routes has unsurprisingly given rise to turf wars for profitable routes, as well as the growth of tightly organised taxi organisations who employ 'hit squads' to eliminate potential competitors and actively engage in the corruption of state officials.<sup>16</sup>

The growth and consolidation of a few powerful figures in the taxi industry constitute a classic case of the overlap between legitimate and illegitimate business and the development of organised crime. Given their capacity for mobility, taxi operators are useful partners (or in some cases initiators of) smuggling networks across the sub-continent. State attempts at regulating the industry are proceeding slowly and while some have shown success, these have been undercut by high levels of corruption and weak law enforcement.

The growth of crime (and in particular organised crime) has led many at the highest echelons of the new Government to argue that organised crime is a project of many of those opposed to democracy a conspiracy to undermine the new state. The reality is more complex.

Former members of the apartheid security forces are indeed involved in crime: some have been active in drug trafficking, weapon smuggling and prostitution rings. In these cases, there are parallels between the cases of the former Soviet Union and South Africa: most particularly, the increased power and access to resources of particular military and policing units during the closing days of communist and apartheid rule. These are mainly former operatives from the murky world of special forces whose transition to the world of crime was an easy step from covert operations which often co-operated with criminals.<sup>17</sup> For example,

South African military intelligence networks were involved in the late 1980s with smuggling of contraband ivory and rhino horn both in an attempt to gather intelligence in neighbouring states and to raise money for additional military projects.<sup>18</sup>

In turn, the Government now fears that the rapidly developing private security industry, which employs many who have received their training in the apartheid security state, constitutes a safe haven for organised criminals. Again, blanket distinctions are dangerous. The industry, which outnumbers the public police by three to one, is fragmented and internally competitive and does not in itself constitute a threat to the state.<sup>19</sup> What is clear, however, is that some security 'companies' are involved in the training of paramilitary forces, the smuggling of arms and organised criminal activity. Ironically, the private security industry does serve a useful function in the post-transition environment: without the employment opportunities it provides for former combatants, criminal activity might be a much more appealing alternative for disgruntled former soldiers, police and intelligence officials.

Also of concern to the new Government is growing levels of corruption (some of which can be linked to organised crime) across state institutions. Organised criminal operations in Columbia and Russia, however, have penetrated the state to a much greater extent than is the case in South Africa. While current estimates suggest that there is fairly widescale (and increasing) levels of corruption in the lower echelons of the criminal justice system (that is, among the police, Department of Justice officials and among prison staff), this has not yet permeated to higher levels.

While the exact number of corruption charges laid against the police are difficult to determine, given that they do not result in automatic suspensions, internal police figures show that about 2 834 police officers were investigated for criminal offences during 1996. While many are still ongoing, these investigations have however led to few prosecutions, often due to the fact that evidence is difficult to obtain and police officials are unwilling to give evidence against each other. SAPS anti-corruption unit estimates suggested, however, that the problem of corruption is fairly widespread. According to press reports, one in four police officers in the Johannesburg area was being investigated for a criminal offence in 1996.

Public perceptions that the SAPS is increasingly corrupt, undermine attempts at the transformation of policing in South Africa and undermine confidence in the ability of the police to undercut growing levels of criminality. While the causes of corruption are complex, they relate in most cases to the weak implementation of controls and poor management practices. Anti-corruption unit members also make it clear (although this is the case for all units in the SAPS) that they are significantly under-resourced and understaffed. If not countered quickly and innovatively, it is possible that the SAPS will be affected by institutionalised forms of corruption.

There is an unfortunate paradox for South Africa here. Organised crime operates best in the context of a corrupted state and organised business sector not one that has completely broken down. The existence of a relatively strong, but penetrated state (as in the case of South Africa) allows organised crime the luxury of using state institutions for profit, remaining relatively free from prosecution while continuing to operate in a comparatively stable environment. Failed states mean higher costs for organised crime: without state 'assistance' and infrastructure, there may be greater costs involved in securing crime fiefdoms, which come closer to 'warlordism' than organised crime operations.

Apart from the growth of localised variants of organised crime outlined above, international organised crime groups have increasingly become active in South Africa. The operations of the following groups constitute the greatest threat.

### **Nigerian organised crime groups**

The growth of Nigerian organised crime groups in South Africa over the last five years has been phenomenal. Organised crime assessments completed by the South African Government indicate substantial activity by Nigerian organised crime groups in South Africa. Despite this, there have been comparatively few arrests and fewer successful prosecutions. Street level drug officers in Johannesburg admit that they are largely unsuccessful in countering Nigerian and central African criminal organisations and parts of inner city

Johannesburg are increasingly dominated by the activities of Nigerian and central African 'drug lords'.[20](#)

### **Russian Mafia**

Available information indicates that Russian citizens are involved in the activities of a number of criminal groups in several Southern African states, particularly Angola, Botswana, Mozambique, Namibia, Swaziland and South Africa. The Russian Mafia groups concentrate mainly on diamond and weapon smuggling, corruption, fraud and money laundering schemes, as well as investment in legitimate business. For example, police intelligence reports show how Russian citizens residing in South Africa simultaneously have contacts in Mozambique to facilitate weapon smuggling to South Africa, while a private Russian business group is currently attempting to sell stockpiles of Russian armaments and ammunition to countries on the African continent. According to current information, an agency will, according to current information, be set up to facilitate the marketing and distribution of the weaponry. Officials in the Mozambican planning agency are reported to have close contacts with the Russian Mafia in South Africa.[21](#)

### **Chinese Triads**

SAPS intelligence assessments argue that the growth of Chinese Triad activity in the country is closely related to the growing number of Chinese illegal immigrants entering the country. Triads in particular have been involved in the smuggling of endangered species or products derived from such species. Recent police operations in the Western Cape have reaped some benefit. Various Chinese criminal syndicates have been uncovered and some leaders and members apprehended in connection with a variety of crimes ranging from abalone smuggling, prostitution, murder, blackmail and the possession of unlicensed firearms. An almost unprecedented array of state policing agencies were involved in the investigations. These included, among others, the Western Cape Organised Crime Investigation Unit, SANAB, SAPS Internal Security, the Illegal Immigration Investigation Unit, the Endangered Species Protection Unit and the Department of Sea Fisheries. (The diversity of agencies engaged in the investigation of organised crime and the problems associated with this will be discussed below.)[22](#)

### **STATE CAPACITY**

The response of the South African public to rising levels of crime is increasingly a vocal one. Political leaders, who originally regarded issues of state transformation as more important, have taken note and the police are under increased pressure to investigate and prosecute those involved in organised crime. The media have given extensive coverage to the issue of crime and there is a growing interest in reporting on organised criminal activities. However, to date, most press coverage remains event specific with little in-depth press investigation or coherent analysis of organised crime.

Given the levels of poverty in the country and the culture of lawlessness bred during apartheid (and the fight against it), some communities do indeed tacitly support the operation of organised crime. This is changing rapidly, however, and community responses to crime are increasingly to take action themselves when the police appear to be ineffective. Thankfully, organised criminal activity with some minor exceptions has largely lacked ethnic or 'tribal' parameters. There is also little evidence that politicians at the level of national or provincial government have connections with organised crime. Indeed, it is positive to note that, given the public outcry on the issue, should a clear link be made between senior politicians and organised crime, their political careers would be in ruins. Church and business leaders have been particularly outspoken in condemning criminal activities.

These factors have resulted in intense (and growing) public pressure for action against crime in general and organised crime in particular. State law enforcement institutions are currently ill-prepared to actively counter the problem. At the outset, the diversity of foreign and local organised crime operations in South Africa may contain both advantages and drawbacks for policing. Monitoring two or three large organisations in any area may be easier than watching hundreds. At the same time, though, a diversity of competing organisations provides some opportunities for more sophisticated forms of control, exploiting divisions and fostering

competition between syndicates. Central to any policing strategy should be an attempt to prevent the consolidation of organised crime operations.

Once firmly established, organised crime operations are immensely difficult to eradicate. Indeed, South Africa may already have entered a stage where this is no longer possible. While still fragmented, organised crime in South Africa is increasingly sophisticated and is rapidly countering attempts by the state to clamp down on its activities. Also, state law enforcement institutions will remain weak and dominated by questions of internal transformation for the foreseeable future.

Thus, much research still needs to be done on organised crime in South Africa. While detailed work is available on the operations of organised crime in Europe and North America, there is little literature either on South African syndicates or on organised crime in South Africa as a whole. To begin to police the problem innovatively, it will be essential to better understand the growth of organised crime networks. Four guidelines are appropriate in this regard:

- A focus must be placed on the changing commodities that organised crime networks trade in and potential new commodities they seek to obtain. The introduction of drugs such as 'crack' into the South African market suggests that drug syndicate operations may change over time to accommodate changing market conditions.
- The dynamic connections between various syndicates and street-level organisations, and their linkages to the state and external criminal organisations in turn, are important measures of the maturation of organised crime in the country. A solidifying of operations, the targeted penetration of the state apparatus and the emergence of a number of prominent figures will all signal growth stages in the development of organised crime operations in the country.
- The reaction of organised crime syndicates in response to policing interventions should be a key area of concern. Criminal operations may change their shape and structure in reaction to some forms of policing, or may specifically target police agencies either for corruption or violent retribution.
- Violence which can be linked to organised crime operations should be carefully monitored to assess the stages of development exhibited by crime syndicates. Ironically, periods of comparative peace may signal the growth and consolidation of organised crime rather than its demise.

The growth of organised crime in South Africa from 1990, however, has not been accompanied by a criminal justice system or specialised police agencies which are well placed to analyse and counter the problem. Responses to organised crime have generally been fragmented and there is a general lack of co-ordination both between the various policing agencies, as well as across the departments of the criminal justice system.

The National Crime Prevention Strategy (NCPS), a cross-departmental plan aimed at achieving greater co-ordination, serves as the cornerstone of state strategy against criminality.<sup>24</sup> The NCPS outlines a comprehensive set of programmes to deal with organised crime. NCPS implementation, however, has on occasion been characterised by a complex set of committees and has been plagued by the failure to set clear objectives for delivery.

A key weakness of the NCPS was a neglect to confront the country's growing illegal drug trade. A draft strategy for the control of illegal drugs has now been formulated. However, the strategy is regarded as too ambitious (it is based on the British drug prevention plan),<sup>25</sup> ignoring the weakness of provincial and local government structures. The strategy has been some time in the making and it is not clear under which department it should fall when it is released.

One area where some progress has been made, however, is the drafting of legislation which aims to tighten the legal framework in which organised criminals operate. These include the drafting of legislation aimed at, allowing among others, the confiscation of the profits of crime and the prevention of money laundering.<sup>26</sup> These initiatives were taken largely as a result of foreign pressure, particularly from the United States and Great Britain.<sup>27</sup> Most of the battery of legislation is regarded by international experts as being comprehensive, although law enforcement officers and prosecutors concede that it is one thing to have a comprehensive

set of laws, and quite another to enforce them.

Indeed, the effective prosecution of organised crime assumes a degree of efficiency in the state's criminal justice system. This is still some way off and the criminal justice system is characterised by multiple blockages which are not easily fixed in the short term. Any attempt at improving the policing of organised crime will be hampered without effective institutions to process offenders once crime has been committed. Currently, all departments in the criminal justice system are characterised by poor morale and weak middle management. Some old order civil servants are disillusioned and new or recently promoted officials have little experience and (often deliberately) receive no support.

Within the criminal justice system, the investigation and gathering of information in relation to organised criminal groups is spread across a number of SAPS units and intelligence agencies. These include, among others, the organised crime units of the SAPS, SANAB, the Commercial Branch, vehicle theft units, the Endangered Species Unit, the Diamond and Gold Branch, various SAPS anti-corruption units, SAPS Internal Security (formerly Security Branch), the National Intelligence Agency (NIA), Military Intelligence (MI) and the South African Secret Service (SASS)

Thus, one of the key challenges in the policing of organised crime operations is increasingly the co-ordination between the various units involved. While there appears to be growing support for the establishment of a single national investigative agency similar to the United States Federal Bureau of Investigation (which Deputy-President Thabo Mbeki is said to be in favour of), no concrete plans have been formulated in that regard.

Given the current fragmentation, the exact budgetary amount which is allocated for the policing of organised crime is difficult to determine. The difficulty of determining exact expenditure on any function is not confined to organised crime: the SAPS budget is notoriously difficult to interpret with it being impossible, for example, to determine the exact expenditure at individual police stations. The lack of clarity with which money is allocated to various functions makes it difficult to measure performance in relation to resources.

Currently, expenditure is probably around ten per cent of the total budget of R11,9 billion, a fifteen per cent increase on the previous years expenditure of R9,8 billion. The NCPS has been allocated R406 million for the financial year 1997/98 for a range of cross-departmental programmes, some of which relate to organised crime. A significant component of the police budget is spent on paying informers: reward money in 1996 for informants amounted to R45,4 million, exceeding the budgeted amount. While a "*substantial portion*" of this is said to relate to organised crime, the degree to which the reward money resulted in convictions is unclear.

The lead agencies mandated with the investigation of organised crime are the various provincial and national organised crime units of the SAPS. These are relatively new, with co-ordinated investigations only beginning some time after 1990. These units are supplemented by the resources of the Crime Intelligence Service (formally the Security Branch, responsible for 'political crimes' under apartheid), as well as those of the NIA. Both of the latter agencies generally collect intelligence around the operation of organised crime groups, either through a request by organised crime investigators or on their own initiatives. Insiders admit that there is some degree of infighting between the agencies involved, with particular animosity (although this is not something new) between the NIA and the various units of the SAPS.

SANAB, the SAPS agency responsible for drug-related law enforcement, is regarded by foreign governments as the most effective drug policing institution in the region. SANAB officers themselves informally admit, however, that they are losing the struggle against the illegal trade in narcotics given a lack of resources.

In particular, much more attention needs to be given to border control initiatives. The South African National Defence Force (SANDF) is currently tasked with border control although constitutionally it is the responsibility of the SAPS. However, police officers continue to staff border control points. A key weakness remains a poorly organised customs and revenue service responsible for the control of imports and exports through ports of entry. Foreign



customs and excise experts concede that, while some success is being achieved, falling morale and lack of skills and resources are serious obstacles.

Despite the weaknesses outlined above, it is clear that many of the resources of the apartheid security state have been refocused on the issue of organised crime. South Africa has a degree of comparative advantage here given a history of authoritarian policing which, among other things, included advanced systems of electronic surveillance and eavesdropping. It is clear from the figures quoted earlier, for example, that between the various state agencies involved, a large number of criminal organisations are monitored.

Apart from the impressive number of criminal organisations being monitored, comprehensive surveillance and targeted investigation appear to be restricted to comparatively few organisations. The table below illustrates the number of dedicated organised crime projects run by the SAPS organised crime units, as well as the number of projects being conducted by specialised units in relation to a number of priority crimes as at March 1997.<sup>28</sup>

CATEGORY OF ORGANISED CRIME	NO OF PROJECTS
Drugs	37
Vehicles	18
Endangered species	3
Diamonds and gold	15
Commercial crime	6
Firearms	9
Taxi violence	5
Corruption	8
Highjackings of freight	3
Armed robbery	2
Gang related violence	1
Housebreaking	1
<b>TOTAL</b>	<b>108</b>

Given the relatively small number of identified syndicates, the total number of organised crime and related projects, some success has been achieved through this focused method of investigation. The first three months of 1997, for example, saw the arrest of 23 suspects for drug-related organised crime offences and a further nine in relation to motor vehicle theft and firearm smuggling syndicates. However, if the policing of organised crime is to prove successful in the longer term, there is an urgent need to expand the ability of the state to investigate a wider diversity of criminal groups.

In any event, police measures of their success such as numbers of arrests or amount of contraband seized provide a poor reflection of progress against organised crime. Little or no attention is paid to monitoring whether or not criminal groups have been eliminated and there is an urgent need to develop a more sophisticated mechanism to assess the total threat of organised crime in the country.

While recording numbers arrested, police figures seldom illustrate what success is obtained in relation to prosecutions. This is largely the result of the fact that detectives have often been poorly equipped for policing the new democracy. The conversion from a largely confession-based system of criminal justice to one which relies on the collection of evidence, has been slow. New order policy-makers also have little expertise in the area, and improving the SAPS's investigative capacity is only receiving attention now, some three years into the new democracy.

Indeed, one of the key weaknesses identified in a NCPS report on Re-engineering the Criminal Justice System is the lack of skills of police investigators.<sup>29</sup> That often results in poorly completed case dockets and unsuccessful prosecutions. While these problems are more likely to occur at the level of the ordinary station detective, it does suggest that there is

not a pool of talent among detectives to continue to staff specialised units. The problem of lack of skills in the area of detection is a deep seated one. South Africa's detectives have always been a threatened breed; under apartheid, the quick road to promotion for bright and ambitious officers was through the security branch; in the new order the fast track is uniform or visible policing.

This has been exacerbated in the past year by the large numbers of experienced detectives leaving the services for the more handsome pickings of the private sector and the difficulty in replacing these skills. (One important loss has been Neels Venter, the Commissioner in charge of policing organised crime.) As it is, detectives are underrepresented in the structure of the SAPS: the total number of detectives is 18 000 in a service of 138 000. Of the 18 000 about 6 000 detectives work within specialised units at either national or provincial level, concentrating on organised crime and related issues.

Currently, there are few incentives for detective work: uniformed officers work four days on and four days off, good detectives (many in specialised units) often work seven days a week with no overtime, under poor and dangerous conditions with support. Most detectives, often with little training, carry upwards of fifty case dockets. There is no mentoring or assistance programme to speak of (although there are some exceptions in specialised units) and the vast majority of new detectives have to find their own way. There is also a high degree of inexperience.

Prosecutors in the Department of Justice are generally inexperienced and the Department's capacity has been weakened by a poorly managed programme of affirmative action. Some pockets of excellence remain, particularly in the various offices of attorneys-general. Specialised units of prosecutors who deal specifically with complex organised crime cases have been established in most provinces. The key to their success is a close working relationship with specialised police units and the appointment of senior advocates (and not police officers) to direct investigators.

The Office for Serious Economic Offences (OSEO) also plays some part in organised crime prosecutions. Staffed by about twenty skilled prosecutors and accountants, OSEO is well placed to investigate complex fraud cases. However, the unit has been plagued by an inability to compete with private sector pay scales and some important posts remain vacant.

The National Intelligence Agency (NIA) is also increasingly involved in the monitoring of criminal organisations. With skilled analysts and operatives and a proven technical ability, the Agency is well placed to support the police. However, effectiveness has been blunted by the loss of skilled personnel, either disillusioned with the new order or able to find better paying jobs in the private security sector. Effectiveness has also been blunted to some extent by ongoing efforts at rapid organisational transformation. It is currently unclear to what degree NIA monitoring has been of great support to the police. The budget of the NIA has increased dramatically since 1994; much of this money appeared to be used in paying off intelligence officers from the old order and recruiting new ones. However, insiders suggest that the substantial resources focused on political violence in KwaZulu-Natal (which has tailed off) can be redeployed on organised crime and related issues.

SASS, the foreign intelligence agency, is tasked with the collection of information on organised crime in foreign countries. In this regard, most resources are concentrated in Southern Africa, although SASS staffers concede that organised crime is only one of a range of foreign intelligence priorities. Military intelligence concentrates largely on weapon smuggling and the monitoring of movement across the country's borders.

The extent to which organised criminal groups operate, not just in South but also in Southern Africa, emphasises the importance of regional attempts to control the problem. Unless the region can be made more secure from the threat of organised crime, policing efforts in South Africa will be undermined. Regional efforts at policing organised crime have developed to some degree since 1994. The Southern African Regional Police Commissioners' Co-operation Organisation (SARPCCO) and the Inter-State Defence and Security Committee (ISDSC) are not yet optimally utilised to combat organised crime in the region. Apart from the

setting up of an electronic link between policing agencies in the various countries and the initiation of meetings between heads of police, much of the co-operation remains largely at the level of rhetoric although a number of successful operations have recently been completed.

Part of the problem of regional policing is the differing capacities of the various agencies involved. South African law enforcement institutions, despite their problems, are far better resourced and skilled than their regional counterparts. Recent operations in Zambia and Mozambique have thus had to be carried out almost entirely by the SAPS. Despite this, co-operation among regional intelligence structures has improved dramatically although it is still too early to determine whether this will have an impact on the growth of organised crime. The Regional Information Liaison Office (RILO) has been established to co-ordinate intelligence collection efforts in relation to organised crime. However these efforts will remain constrained by the weakness of such state agencies in countries like Mozambique and Angola emerging from protracted civil wars. This is a key point: better policing at home will only have a limited effect without a strong regional effort to counter organised crime.

## CONCLUSION

The issue of organised crime is becoming increasingly significant in South Africa. However, the level to which organised crime has developed in the country has not reached the same point as in other societies, such as Russia and Columbia. Current evidence suggests that organised crime remains comparatively fragmented and high level state structures relatively unpenetrated. There are some positive features in the current scenario: South African organised crime groups do not have large numbers of *émigrés* in other countries (unlike, for example, Nigerians) to constitute an immediate threat to Western democracies or (although to a lesser extent) other African countries. However, there are real dangers: weak institutions in the criminal justice system are increasingly open to corruption, more active policing could bring a greater consolidation of criminal groups and the growth in linkages between internal and local groups could strengthen over time. These factors suggest that the time for critical intervention is within the window period of the next three years.

State responses to date have been inadequate. Most clearly is the lack of co-ordination and information sharing between the various agencies involved. Over time, there is a need to begin to investigate the possibility of establishing a single national specialised investigative agency to pool resources and skills. While this may be some way off, key decision makers have mooted the idea. Current evidence suggests that, while state agencies have been fairly successful in monitoring the activities of a wide ranging number of criminal groups they have been less successful in bringing perpetrators to trial. Part of the problem relates to limited resources which are concentrated on a relatively small number of high focus investigative projects.

While it is difficult to determine the exact amount of resources which are focused on policing organised crime, there is some agreement (at least among police officers) that a lack of skills and resources constrains specialised units from taking on more cases. A key problem is the failure of the SAPS to produce a strong core of experienced and skilled detectives who could be recruited into more complex and specialised investigations. This will result in a long term weakness which will be difficult to resolve. While the role of outside agencies (particularly NIA) is useful, the SAPS will always remain the lead department and its detectives will be central in the fight against organised crime.

Apart from the weakness among the investigative arms of the police, it is clear that some of the largest obstacles are to be found in the institutional weaknesses of the criminal justice system itself. Unless the reactive components of the system can be reformed, any attempt to control crime generally, and organised crime specifically, will be hamstrung from the beginning. In the short term, one immediate result of weak institutional controls is the growth in corruption in lower levels of the system. This may have potentially serious consequences if it becomes institutionalised.

Falling morale in the police service and the lack of political direction accentuate many of the problems outlined above. While legislation has been drafted and policy formulated, political

leadership has shown little ability to drive the process of implementation. This may be particularly serious in the longer term in relation to the establishment of a single national investigation unit. A poorly designed and implemented national agency may have more serious implications for policing than the current (albeit fragmented) institutional arrangements.

Aside from institutional reform, it is clear that the problem of organised crime in South Africa cannot be isolated from the problems of organised crime in the Southern African region. Any counter-strategy needs to place a heavy focus on regional initiatives. Unfortunately, compared to South Africa, many countries in the region lack the most basic skills and equipment for dealing with the issue. This may have long term consequences for attempts to adequately confront the problem at home when at least some of the problem lies on the country's borders. Current arrangements suggest a realisation of the problem, although regional structures established so far have operated for too short a period to determine their effectiveness.

Central to any policing strategy whether regionally or nationally focused should be an attempt to prevent the consolidation of organised crime operations. Once firmly established, organised crime groups are immensely difficult to eradicate. In the final analysis, however, the development of organised crime is related as much to the effectiveness of policing as to the institutional strength of the state. Assessing the growth of organised crime cannot be divorced from the broader issues of governance and economic development. The weaker the state becomes over time, the more likely that criminal organisations will form parallel and competing points of power which will be difficult to displace.

## ENDNOTES

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19. For a more detailed overview of the industry, see M Shaw, *Privatising Crime Control? South Africa's Private Security Industry*, in M Shaw, *Partners in Crime? Crime Political Transition and Changing Forms of Policing Control*, Centre for Policy Studies, Johannesburg, 1995.
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21. M Shaw, *Organised Crime in South Africa*, unpublished briefing paper, Institute for Security Studies, Halfway House, July 1997.
22. *Ibid.*
23. National Crime Prevention Strategy, Departments of Correctional Services, Defence, Intelligence, Justice, Safety and Security and Welfare, Pretoria, May 1996.
24. *Tackling Drugs Together*, London, HMSO, 1996.
25. Four key pieces of legislation have been drafted and three have been enacted. These are as follows: International Co-operation in Criminal Matters Act, 1996; The Proceeds of Crime Act, 1996; The Extradition Amendment Act, 1996; and, the Money Laundering Control Bill, 1997.
26. For example, there have been a number of high level delegations on the issue and both the US and British governments have stationed law enforcement officers, including FBI, DEA and custom officials, in South Africa.
27. SAPS, Quarterly Report, *op. cit.*, pp. 23-44.
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APPENDIX A  
NATIONAL AND PROVINCIAL PERSPECTIVE ON THE FOCUS OF ACTIVITIES OF ORGANISED CRIME SYNDICATES

PROVINCE	NUMBER OF ORGANISED CRIME SYNDICATES	DRUG TRAFFICKING	COUNTERFEIT MONEY & LAUNDERING	COMMERCIAL CRIME/FRAUD	FALSIFICATION/FORGERY	CORRUPTION	BRIBERY	SOLICITING	DIAMOND & GOLD-RELATED CRIME	ALUMINIUM, COPPER, CHROME, ETC.	STOLEN GOODS-RELATED CRIME	THEFT	HOUSEBREAKING	MURDER & ROBBERY	FIREARM RELATED CRIME	HIGHJACKINGS	TRUCK & FREIGHT-RELATED CRIME	VEHICLE-RELATED CRIME	TAXI VIOLENCE	GANG-RELATED CRIME	INTIMIDATION & OTHER VIOLENT CRIME	CHINESE TRIAD RELATED CRIME	PROSTITUTION	TRADE IN ENDANGERED SPECIES & RELATED CRIME	STOCK & GAME THEFT/POACHING	TOTAL NUMBER OF CRIMINAL ACTIVITIES INVOLVED
Western Cape	19	20	0	2	1	1	0	0	0	0	0	0	1	1	3	0	2	3	1	0	1	1	0	0	0	26
Eastern Cape	27	17	1	2	1	1	1	0	3	0	2	2	0	2	7	1	0	8	1	4	0	0	0	1	5	59
Northern Cape	16	3	1	12	0	0	6	6	15	1	3	2	1	7	2	0	1	2	0	0	0	0	0	0	0	62
Free State	8	5	1	4	1	0	0	0	1	0	0	0	0	6	2	2	0	5	0	0	0	0	0	0	1	29
KwaZulu-Natal	45	16	3	9	0	2	0	0	8	0	0	0	0	2	6	2	2	20	0	0	0	0	0	1	0	71
Northwest	12	7	0	0	1	0	0	0	5	2	0	0	0	0	2	0	0	2	0	0	0	0	1	1	0	21
Gauteng	45	29	2	13	1	2	0	0	2	1	1	3	1	5	1	5	1	21	0	0	0	0	1	0	0	80
Mpumalanga	12	5	0	2	0	1	0	0	3	1	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	15
Northern Province	8	3	1	2	0	1	0	0	1	1	2	0	0	2	3	0	0	5	1	0	0	0	0	2	0	24
<b>NATIONAL</b>	<b>192</b>	<b>96</b>	<b>9</b>	<b>46</b>	<b>5</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>38</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>3</b>	<b>25</b>	<b>26</b>	<b>10</b>	<b>6</b>	<b>59</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>398</b>

APPENDIX B

NATIONAL AND PROVINCIAL PERSPECTIVE ON THE FOCUS OF ACTIVITIES OF ORGANISED CRIME TARGET GROUPS

PROVINCE	NUMBER OF ORGANISED CRIME SYNDICATES	DRUG TRAFFICKING	COUNTERFEIT MONEY & LAUNDERING	COMMERCIAL CRIME/FRAUD	FALSIFICATION/FORGERY	CORRUPTION	BRIBERY	SOLICITING	DIAMOND & GOLD-RELATED CRIME	ALUMINIUM, COPPER, CHROME, ETC.	STOLEN GOODS-RELATED CRIME	THEFT	HOUSEBREAKING	MURDER & ROBBERY	FIREARM-RELATED CRIME	HIGHJACKINGS	VEHICLE-RELATED CRIME	TAXI VIOLENCE	GANG-RELATED CRIME	INTIMIDATION & OTHER VIOLENT CRIME	TRADE IN ENDANGERED SPECIES & RELATED CRIME	STOCK & GAME THEFT/POACHING	TOTAL NUMBER OF CRIMINAL ACTIVITIES INVOLVED	
Western Cape	19	5	0	7	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	17
Eastern Cape	107	62	3	9	0	0	0	0	4	0	1	4	3	3	15	4	24	0	2	1	0	0	23	158
Northern Cape	84	48	0	16	0	0	6	9	26	0	2	0	0	6	1	0	3	0	0	0	0	0	6	123
Free State	7	0	0	4	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	0	1	0	0	8
KwaZulu-Natal	43	13	0	8	2	0	0	0	3	1	0	4	0	2	3	1	25	0	0	0	0	0	0	62
Northwest	53	13	2	1	1	0	0	0	2	1	0	0	0	0	0	1	15	0	0	0	0	0	12	48
Gauteng	85	17	1	40	0	0	0	0	9	3	0	0	0	0	0	0	1	0	0	0	0	0	0	71
Mpumalanga	80	33	2	1	0	1	0	0	2	0	0	0	0	3	1	4	18	0	0	0	0	0	24	89
Northern Province	22	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0	3	13	23	
<b>NATIONAL</b>	<b>500</b>	<b>194</b>	<b>8</b>	<b>86</b>	<b>3</b>	<b>1</b>	<b>6</b>	<b>9</b>	<b>46</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>3</b>	<b>14</b>	<b>20</b>	<b>11</b>	<b>95</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>78</b>	<b>599</b>	